

REMARKS

In the current Final Rejection, the Examiner indicates that Claims 63-80 are allowable, but rejects Claims 61 and 62 as anticipated by U.S. Pat. No. 4,884,972 to Gasper ("Gasper"). This grounds for rejection is respectfully traversed, because Gasper teaches animating a talking head, which is not a graphical abstract symbol as required by Claims 61 and 62 as currently pending.

To support the rejection, in section 4 of the current Final Rejection the Examiner repeats a statement of rejection that was set forth for Claim 61 in an earlier Office Action (mailed May 19, 2003), prior to amendment of Claim 61 in a response dated August 19, 2003. In section 7 of the current Final Rejection, the Examiner acknowledges that Claim 61 has been amended to further describe what is animated as "graphical abstract symbols," but denies that this renders the claim allowable over Gasper because "the Gasper letters are graphical abstract symbols."

The Applicant agrees with the Examiner that the Gasper letters, or tiles, are graphical abstract symbols. However, it is respectfully submitted that the Examiner is not properly reconsidering Claim 61 as a whole. Because Claim 61 consists of just 25 words, it is important that all interrelationships between the words be appropriately considered.

Claim 61, as presently pending, recites (underlining added for emphasis):

A method of presenting, on a computer controlled display device, transformation rules of abstract representations using animations of graphical abstract symbols to simulate continuous transformations.

Claim 61 thus requires that "animations of graphical abstract symbols" be used for "presenting ... transformation rules of abstract representations." Indeed, the Applicant's title even recites "by Animating Abstract Symbols." It is respectfully, but strenuously, submitted that Gasper fails to suggest this. Gasper describes animation of a talking head. The purpose of such animation is to teach and illustrate pronunciation of words, or other combinations of letters, and thus it is important that the talking head be relatively realistic. The talking head is very far from a graphical abstract symbol.

Gaspar uses graphical abstract symbols, namely letters. The letters may be moved by the user, but there is no discussion of animating these abstract symbols. In any event, movement of the letters, even if (tacitly) animated, would not constitute either animation for “presenting transformation rules,” or animation “to simulate continuous transformations.”

Gaspar may be presenting transformation rules of abstract representations (letters), but only transformation from graphical representation to real physical representation (or illustration thereof). Gaspar primarily suggests representation as speech, but also mentions semaphore signals and dance, see col. 4 lls. 11-27. Each proposed alternative representation for selected letters is a physical representation that involves movement and/or sound. Accordingly, animation of an object capable of displaying such representations, such as a talking head, is the logical technique for illustrating, on a stationary medium, the movement that is inherent and essential to the physical representation.

However, the letters merely constitute the subject matter, or beginning point, of the transformations proposed by Gaspar. Animation of letters cannot “simulate continuous transformations” in Gaspar, because transformations about which rules are presented in Gaspar all require physical, as opposed to merely graphical abstract symbol, representation. Gaspar neither attempts nor suggests such an impossibility.

The movement of letters described in Gaspar is necessarily independent of any rules that are presented, because such movement is under control of the user. While it may be possible for a user to be presenting rules, that is clearly not what is suggested in Gaspar. Gaspar suggests no mechanism by which movement of letters under control of a user presents any rules, let alone transformation rules, to the user. No movement of letters is performed outside the direct control of the user (with the possible exception of replacement of letters that have been “taken” by the user), nor is any limitation on user selections suggested.

Because the movement of letters, in Gaspar, is independent from any rules of transformation, Gaspar fails to teach either “presenting ... transformation rules of abstract representations using animations of graphical abstract symbols,” or “using animations of graphical abstract symbols to simulate continuous transformations.” Yet these are both required by Claim 61, as presently pending, when properly taken as a whole. Gaspar thus entirely fails to anticipate either Claim 61, as presently pending, or Claim 62, which properly depends from Claim 61.

Conclusion

It is clear, from study of the Applicant's specification and examples, that transformations of graphical abstract symbols into physical representations having inherent physical movement, as shown in Gasper, are not what the Applicant was considering, or intended to claim. As such, and in response to the Examiner's rejection, the Applicant amended Claim 61 to clearly surrender the possibility of such unintended coverage. In view of that clarifying amendment, the Examiner should withdraw the rejection over Gasper, because Gasper, at least now, clearly fails to teach, disclose, or fairly suggest the requirements recited in Claim 61 as presently pending, and taken as a whole.

The Examiner's proper function of critically examining claims for validity is appreciatively acknowledged. However, the subject application has been abandoned, revived, continued, lost, and found, and numerous Office Actions have been fully and earnestly responded to. It is respectfully submitted that allowance should at last be granted of all pending claims to which the Applicant is properly entitled. Considered as wholes, at least in view of the prior that has thus far been cited, such properly allowable claims include Claims 61 and 62 as presently pending. Accordingly, allowance of all pending claims is respectfully requested.

The Commissioner is authorized to construe this paper as including a petition to extend the period for response by the number of months necessary to make this paper timely filed. Fees or deficiencies required to cause the response to be complete and timely filed may be charged, and any overpayments should be credited, to our Deposit Account No. 50-0490.

Respectfully submitted,

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